CENTRAL INTELLIGENCE AGENCY

Approved For Release 2004/03/15: CIA-RDP80M00 OFFICE OF THE DIRECTOR

Exec of Registry

5A002200060044-3

13 May 1977

MEMORANDUM FOR: Mr

Mr. Robert J. Lipshutz Counsel to the President

The White House

The attached draft has been prepared by our General Counsel for your consideration.

n. G. Wans &

B. C. Evans Executive Secretary

Attachment

Distribution:

0 - Addressee w/basic correspondence

₹ - ER

(White House)

Approved For Release 2004/03/15: CIA-RDP80M00165A003200060011-3

DRAFT

Mr. Carlton W. Laird City Manager City of Bay City Bay City, Michigan 48706

Dear Mr. Laird:

This is in response to your letter of April 26, 1977 to the President concerning CIA activities in this country.

As you know, the President, by his public statements and actions, has made clear his deep concern for human rights. Your expression of support for his policy on human rights is appreciated.

The President is deeply committed to the proposition that no agency of the United States Government shall violate basic human rights, whether in this country or abroad. At the same time, he is concerned that there are so many unfounded accusations of improper activities by United States intelligence agencies. The maintenance of an effective foreign intelligence system is essential to protecting United States interests and responsibilities in the world, which will continue to be challenged for the foreseeable future by strong and potentially hostile powers. The Central Intelligence Agency is the hub of our foreign intelligence system. Whatever questionable activities may have occurred in the past, the CIA and our other intelligence agencies are now governed by strict directives and guidelines to assure that they confine themselves to their authorized missions. There is also effective oversight to assure that, should they violate these guidelines, prompt corrective action can be taken and sanctions imposed on those at fault.

Thank you for your expression of concern. I am confident that as you observe the policies and actions of this administration in foreign affairs you will become convinced of its respect for human rights and the rule of law.

Sincerely,

Robert Lipshutz
Counsel to the President

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Remarks: Received the attached today. We are not going to make the "72-hour" deadline. Have someone let me know how long it will take and I will phone over. Please prepare a final letter for Mr Lipshutz' signature for conveyance.

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REFERRAL

To:

Hon. Stansfield Turner Director

Date:

May 4, 1977

Central Intelligence Agency

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XXX Undersigned's signature.	
Memorandum for use as enclosure to reply.	NOTE
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Robert Lipshutz

Counsel to the President

		
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CHYORA

to HY M E.G.

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April 26, 1977

The Honorable James Carter President The White House Washington, D.C. 20500

Dear President Carter:

I have written previously expressing my support for your concern with human rights. I am enclosing copy of excerpts from two publications that fairly well document the violations of human rights in this country by the CIA. I feel that we must protect human rights in this country as well, since our actions do speak louder than words. In my opinion, there is no higher priority than to remove this uncalled for agency. Its actions have been sufficiently documented and it should have no place in a democracy.

Sincerely yours,

Carlton W. Laird, City Manager CITY OF BAY CITY, MICHIGAN

cl:vm enc.

Bribery and Human Rights

"People are never more insecure than when they become obsessed with their fears at the expense of their dreams..."

HE editor and the star reporter of The Washington Post, Ben Bradlee and Bob Woodward, were recently called by President Carter for a private discussion. The President had learned from White House aides that the Post was preparing to publish a story revealing that the CIA had been making secret payments, amounting to millions of dollars, to heads of foreign governments. Of particular concern to the President was the effect of such a disclosure on the then imminent visit of Secretary of State Cyrus Vance to Jordan for the purpose of holding key discussions with King Hussein. Since the king had been a recipient of the secret payments, the President feared that Vance's mission would be severely compromised by the disclosure.

Rather than make a direct request to kill the story, the President wanted to leave the decision to publish up to *The Washington Post*. In the event the *Post* decided to run the story, however, the President expressed the hope that publication would be delayed until after the meeting with King Hussein.

The Post decided to publish. President Carter then issued a statement deploring the failure of the media to respect confidentiality on sensitive government matters. He said that the disclosures were damaging to the foreign policy of the United States. Moreover, he defended the secret payments as "legitimate and proper" in the light of national-security considerations.

Two additional questions of public policy are posed by this incident. One concerns the propriety of the disclosures about the CIA by the press. The second concerns the moral and historical issues raised by the secret CIA payments.

On the first issue: The Washington Post did what it is supposed to do. Anyone who believes that a free press should not report to the American people on something as startling or outrageous as undercover payments to officials of other governments betrays a basic misunderstanding of what the press in a free society is all about. The secret payments are not chargeable to Jimmy Carter, since they were made before he came to office; but it is surprising nonetheless that he appears to be more concerned about the leaks than about the bribes. It was not The Washington Post that made the secret payments; it was the government itself. If the United States was embarrassed by the disclosures, the President should put the blame on the bribersnot on the press. Even if it were true that the main problem was caused by the disclosure and not the deed, the government would still have only

ments to heads of state would no orrecourt into the open sooner or later.

The President came to office or ∘ g^F moral platform. A defense of uncercoval natments is hardly the way to build on that platte in Nor does the President strengthen him elf or the nation by invoking national security as justification for corrupt practices. If it is proper for the finited States to commit a breach in the name of resional security, why is it not proper for the Son at Union or Uganda to justify violations of human aphts on the same grounds? The President deserve full credit for championing the cause of human lights in the world; but if he takes the position at national security is an acceptable excuse for a tropayoffs, why is it not an acceptable excuse to regial of human rights?

The easiest way for a nation order to exert is to make national security the highest to a Todeed, people are never more insecure than when they become obsessed with their fears at the expense of their dreams, or when the ability to its a becomes more important than the things worth is higher for.

LT HAS been said, it entense of the secret payments by the CIA that there is very little difference between allocating most a publicly through our foreign-aid program and it is money under the table to heads of state. The table with this argument is that a basic distincted a nuct be made between public payments to gover ments and secret payments to individuals. A publique yment to a government is within the law. A court payment to an individual is outsid the an sloney given secretly to an individual can be us it for personal purposes. The Japanese government as experienced a major crisis because of 1 sel head's secret payments to officials. Why do such assuments become "proper" just because ar under the 11.S. agency does the paying? If there is nothing improper about international briber why are U.S. Department of Justice now investigating our ments by the South Korean government to the there of the United States Congress? Is law some which that can be expanded or contracted to meet the given situation?

Things have to be called by their risk names. A secret payment to an individual is so since the law. The CIA has been engaged in bribe. There is no way under the Constitution to a particular funds in this manner. What is worse a so fact that the President of the United States has a mided the practice.

It is possible that the President was poor and a vised and that he acted hastily. If so, it is not too late to put things in order. The President count of take the United States out of the husiness and instruction of bribery but of subversion, assassination and the other covert operations that do more vice too our history than harm to our adversaries and our history than harm to our adversaries.

itself to blame—for thinking that anything as rep.—Carter's agenda for America is too important to be Approved For Release 2004/03/15 collapse PROPSOME TO Send of the best of the property of the property of the best of the property of the property of the best of the property of the best of the property of the propert

BETWEEN THE LINES

April 15, 1977

Tristram Coffin, Editor © 1977 The Washington Spectator, Inc.

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CIA, the Hidden Trap

Like a steel trap hidden among the fallen leaves, a mechanism exists that could convert the US into a tight dictatorship. It is the CIA, which The Nation describes as "a tool for domestic subversion." The Church committee found that the intelligence apparatus repeatedly violated the "First Amendment rights of American citizens," and the Association of the Bar of New York states that many CIA operations were "patently unconstitutional."

A danger is that President Carter, with the best of intentions, will be manipulated into becoming an apologist for the agency on the grounds of "national security." Examples:

- A federal grand jury has been investigating former CIA director Richard Helms for alleged perjury to Congress. President Carter was asked at a news conference whether he would supply the grand jury with CIA documents. Instead of saying, "Yes, justice must be served," Carter said his decision would be based on whether the documents "affect our national security." The documents involve US intervention in Chile.
- The CIA director, Admiral Stansfield Turner, suggests criminal penalties for airing "sensitive information." This raises the specter of the Government using "national security" as an excuse to hide its own dirty linen and jail investigative reporters or conscientious civil servants who reveal mistakes. Almost any information can be stamped "sensitive" to hide evils.

President Carter's response was that he would "minimize the use of criminal penalties."

• The President told the same news conference, "I think that the Church committee has not found any evidence that the US was involved in the overthrow of the Allende Government in Chile." This is not true, and indicates that Carter has been. 'poorly briefed by intelligence officers.

The Carter Challenges

This is third of a series on problems faced by President Carter. The first two dealt with energy and the "militaryindustrial complex." A later newsletter will present the crisis of food and agriculture.

CONTROL OF POWER IN THE CIA—What the President may not know is that the CIA is willing to operate illegally and has control of powerful instruments—thugs to assassinate and rob, secret armed forces (the Miami Herald reports the CIA maintained "the third largest navy in the Western hemisphere" near Miami), funds with which to bribe politicians and the media, and tools for mass propaganda. Its work is protected by secrecy and an agreement with the Justice Department not to prosecute employees engaged in illicit operations for the CIA. It has almost unlimited funds and access to military supplies.

According to the Senate committee, the Constant opened nearly 250,000 first-class letters, set up a comparaized index of nearly 1.5 million names, spied on more than 100 peace and other protest groups in America, and kept volue amous files on 7,200 citizens. By private report, the CIA * s involved in "elimination" projects within the US. ("Elimination" is the intelligence word for murder.)

The CIA is not under any specific control, or as teast not when the Church committee was investigating. The a called "Forty Committee," created to oversee the agency, a proved only a "small fraction" of CIA covert jobs.

Checks and Balance: Fail

"The constitutional system of checks and heliances has not adequately controlled intelligence activities. Until recently the executive branch has neither cell related thescope of permissible activities nor established procedures for supervising intelligence activities. Congress has tailed to exercise sufficient oversight, seldom questioning the use to which its appropriations were being or

"The First Amendment protects the right of Americans to engage in free and open discussions at 110 associate with persons of their choosing. Intelligen eagencies have, on occasion, expressly attempted to interfere with those rights. . . . The Government's surve lance activities in the aggregate . . . tend, as the correlattee concludes, to deter the exercise of First Amenda it a rights by American citizens . . . ''

-Senate Select Committee on Intelligence Activities

The agency has threatened Congressmen who bought to expose its illegal operations. Chairman Ctis Pike of the Select Committee on Intelligence told the House of threats made against him. The CIA counsel allegedly told ne committees chief of staff, "Pike will pay for this, you want and see. I am serious. There will be political retaliation for this. destroy him for this [the committee report]."

THE PRESIDENT'S RESPONSIBILITY - When Carter came to the White House, he seemed determine to bring the agency under control and wipe out some of its oberations. This was indicated when he named Theodore Sorens it as director, for Sorensen shared President Kennedy's dismay and anger with the CIA after the Bay of Pigs. Sorense i in June 1961 wrote National Security Action Memorandum 35; in e 1927, it closed down covert operations.

But Carter was startled by the power of the CL Tobby which forced Sorensen to withdraw. He has now backed away. He tried to persuade the Washington Post not to put high information

that King Hussein Ambrowed Eiged Selease 2004/93/15oid CIA-RDR 80MM 1654000200060011-3 cns. the reporters, "I have not found anything illegal or improper" in what the Times called "the more controversial activities of the

Again, there is a chance the President is not being correctly informed, for CIA files have a report last year by then Director William E. Colby admitting that "the agency engaged in illegal domestic spying on American citizens" and at least three burglaries. (Los Angeles Times)

The Failure of Intelligence

"The basic thrust of our report is that despite the billions of dollars expended on it, despite the genius of the scientists who work in our intelligence community and the dedication and occasional bravery of the men working within our intelligence community, despite its occasional small successes, in every single instance in which we compared what our intelligence community was predicting with what really happened, our intelligence community failed.

'If the CIA and the State Department could provide, digest and analyze objective intelligence as well as they can plant stories in the media, lead the Congress around, and put the secret stamp on their embarrassments, horrors and failures, we could all sleep better at night."

> -Rep. Otis G. Pike, Chairman, House Intelligence Committee

A LOOK AT THE RECORD—The CIA has been engaged in such "illegal" or "improper" operations as:

- "The CIA hired two mobsters, Sam Giancana and Johnny Rosselli, to murder Cuban Premier Fidel Castro, provided them with lethal poison for that purpose, and offered \$150,000 for the job." (The American Police State by David Wise)
- The CIA built up a cache of lethal chemicals and "in direct defiance of a Presidential order . . . failed to destroy its stocks of deadly poisons, including cobra venom and enough shellfish toxin to kill 55,000 people." (The American Police State)
- The CIA "helped engineer" or was close to individuals mixed up in assassination plots against: President Gamel Abdul Nasser in the 1950s; Rafael Trujillo of the Dominican Republic, gunned down in May 1961; South Vietnam's President Ngo Dinh Diem, shot in 1963; "Papa Doc" Duvalier of Haiti whose palace was bombed in 1963. (Newsweek)
- Allen Dulles and his assistant, Richard Bissell, set up "a project for research into developing means for overthrowing foreign political leaders, including a capability to perform assassinations," according to the Senate study. Chicago-based Mafia figures were to be used in this project known as ZR/ RIFLE.
- The CIA, perhaps unwittingly, served as a cover for a drug smuggling operation. A CIA-backed Chinese Nationalist Army unit in Burma raised opium poppies, transported opium in armed caravans to Thailand where it was converted into morphine and heroin. The product was then smuggled out, sometimes in CIA-controlled planes.

A TIME FOR QUESTIONS—The time has come to ask basic questions. Of what value are covert operations?

In the CIA's own mythology, its most successful covert operation was the overthrow of Premier Mohammed Mossadegh of Iran and raising the Shah to power in 1953.

derring-do led by Kermit Roosevelt, son of the health Rider; its aim was to keep the Soviet Union from graining fran's oil reserves with the help of the Tudeh (Communist seming) party.

The facts are less heroic. The chief n over we must Roosevelt but a Polish émigré. The Tudeh Party v as too mail and impotent to be a major factor. The USSR was not about the tangle with the US over Iran's oil. The real reason & ... Mossadegh nationalized the Anglo-Iranian Oil Co. and toconver the large Abadan refinery on the Persian Gulf. When the smoke cleared, the real winners were five American oil giants - Guif, Standard Oil of New Jersey, Standard Oil of Califor a. Texaco and Mobil. In the new shuffle they obtained 40% of the Iranian oil, while Anglo-Iranian's share was pared down to 40%

Today the Shah, pushed into power by the US, given uncounted millions through the ClA, is the lead 12 promoter of higher crude oil prices for which Americans hav at the gas pump. These extra costs have gone to buy the \$1 maion in arms Iran has ordered from the US since 1972. The timer has been the?'military-industrial complex."

In 1954, the CIA engineered a coap against Guatemalan President Jacobo Arbenz Guzman, on the ground hat his regime had many Communists in it. Actually, A benz with the US in the UN and was generally cooperative. However, his threatened to expropriate lands belonging to the United Faction.

Another CIA feat was a massive effort to prevent Communists from winning elections in Italy. More areas poured in and secret deals made to keep the Christian Dem. crais in power. To what avail? The Communist Party is oday the second largest in Italy, thanks to the corruption and in afficien A of the Christian Democrats; it is also the most pers stent $\pm \pi \circ Communist$ critic of Moscow.

Italian journalist Oriana Fallaci told CIA Director Colby during an interview, "I remind you that it is you Arcericans who throw countries into the arms of the Communicationalways. It is you who buy and corrupt and protect all the fast the world. America, Mr. Colby, is the biggest nanuta ther of Communists in the world." (London Sunda: Times

THE INTELLIGENCE GATHERING - It can doubts the importance of having accurate knowledge of want is happening around the world and in trouble areas. The a estion is, how valuable is CIA's intelligence?

The record is spotty. As the House intelligence Committee found, much of the intelligence is faully and veak. And even when the intelligence was exceptionally accurate, officials have either not seen it or failed to act on it. Examples

- The CIA correctly predicted that Chin: Oaid enter the Korean War if General MacArthur moved by yourd the 38th parallel. MacArthur said the CIA dien't knew what it was talking about and, in effect, dared Presiden attenuan to stop him. Truman backed down, and US trocos were might in a trap at Unsan.
- In Vietnam, the military repeated y refused to accept the CIA's estimates of enemy strength. In Harper 1, Former CIA

The Mashington Spectators & BETWEEN THE LINES

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CONTROLS ON THE CIA-Are there strong enough con-

trols on the CIA? Since the agency's activities are veiled in secrecy and Congress has refused to break through the mesh, the CIA could become the tool either of the President or of extremists within the agency itself.

A former CIA officer, Harry Rosizke, using Angola as an example, showed how the agency has become the President's secret military establishment, and makes war without benefit of Congress. He wrote in the Washington Post: "The President and the Secretary of State [Kissinger] were convinced that the Congress would not agree with their Angolan policy and would not supply the required funds. Secret funds provided the way out. The use of covert actions, not to achieve a foreign purpose in secret but to evade Congressional scrutiny, degrades the covert instrument into a domestic political tool.

Lack of control over the CIA was also shown when the US bombed Indonesia in 1958 in the hope of overthrowing Sukarno and again when we launched a "secret war" against Laos in the 1960s. (The Philippine Foreign Affairs Minister told me that US planes bound for Indonesia flew from air bases in his country, and he had protested to Washington.)

To Bribe or Not to Bribe

"The New York Times has come out two-square for bribery. The fact that it did so 'uneasily' justifies the qualification that the paper was only demi-forthright in its statement that 'qualified discretion [to bribe] is preferable to unqualified morality.' In the wake of recent allegations that the CIA has for years kept King Hussein, Willy Brandt, the President of Venezuela, the ex-President of Chile, among others, on its secret payroll, the Times comes out for a complicated policy that might be called Pragmatic Bribery in Lieu of War, to be supervised by the President himself, complete with 'guidelines'....

"All one needs to do, to be persuaded of the falseness of the argument, is to reverse the coin, so to speak, and imagine the bribing intervention of a foreign country in the politics of the US. If any of our friends or adversaries decided that some 'discreet' bribery of candidate X was needed to beat the troublesome candidate Y, would the Times then smugly conclude that the bribery was justified because 'in a volatile world, the need for flexibility is great'?''

—The Nation

FOREIGN INTELLIGENCE—The lack of control is glaring · in foreign intelligence groups which are an adjunct of CIA, like the Korean KCIA and the Iranian SAVAK. They have been funded, trained, equipped and directed through the CIA, and are instruments of tyranny for President Park Chung Hee and the Shah. Tad Szulc writes in the New York Times Magazine, "In its 16 years of existence, the Korean intelligence agency has earned above all a reputation as one of the most brutal and venal security services in the world."

SECRECY AND THE CIA—Intelligence operations are hidden by the alibi of "national security." Some might better be in the open. Why wasn't the money for King Hussein put in the foreign aid bill and voted upon by Congress, instead of slipped under the table by the CIA?

agent Sam Adams rells bowd For Release 2004/03/15/11/CIA-RD RED 165/2002/06/2011 3 democracy but are in correct, was ridiculed by Army authorities. violation of the Constitution: "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." (Article I, Section 8)

> OUR RECOMMENDATIONS—Some for a controlligence is needed. But it should be tightly cortrolled.

- The President and/or Congress shall issue a definition of "national security" as a guideline. Obviously, this would not excuse overthrowing the elected president of Calle to please a campaign contributor (ITT) or bombing indones a for the benefit of rubber and oil multinationals.
- Covert operations shall be forbidgen ex en during wartime. This is specified in the "Omnibu Intel i ence Community Reorganization and Reform Bill' introduced by Rep. Ronald V. Dellums (D-Cal.), a member of the Lattlingence and Armed Services Committees.
- No covert operations within the US or summittee of US citizens will be allowed.
- No funds shall be used to pay American of mulists, clergymen, public officers or educators, or to subside a name way US media or public groups.
- The CIA shall not subsidize emigré group a threor make contracts with persons having criminal records
- All funds for intelligence operations by foreign governments cooperating with the US shall be voted specific appropriation bills, and no funds shall * Bed to pay foreign leaders for their personal use.
- The CIA shall be required to set up a syst on of internal checks, so the director will be informed of one a weperations and held accountable.

If the Government expects its citizens and other mations to be sane and moral, it must itself show intelligent and moral leadership. Justice Louis Brandeis said a half-contury ()

Our government is the potent, the omnipoten transfer. For good or ill, it teaches the whole people by its exactor e. Crime is contagious. If the government becomes a law-breaker it breeds contempt for law; it invites every man to become a aw unto himself; it invites anarchy. . . . '

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 Based on figures from the Federal Energy Administration, Environmental Action says that a returnable beverage system would have "saved at least 30 to 50 billion cubic feet of natural gas last year." This would "have saved considerably more energy than closing schools for thousands of children and closing factories which put over a million people out of work."

 A gadget that could sell for \$10 would save between 400,000 and 1 million barrels of oil every day. This is a damper in the flue which closes when the furnace is not running. In Germany it is standard equipment, and the savings run from 16 to 30 percent. You can't buy one in this country, although one was patented here 11 years ago. Source: Senate Anti-Trust Subcommittee.

 Jacques Cousteau believes the answer to the energy crisis is in the sea. He argues: "The main source of solar energy is in the ocean. Two-thirds of all the solar energy on earth falls into the ocean. The currents concentrate the heat in particular places like the Florida strait, around Japan and the equatorial currents." This source, he believes; could provide four-fifths of the world's energy by the year 2000.

 Brazil plans to produce 20% of its motor fuel needs from natural sources, by fermentation of sugar cane and manioc from less than 2% of the country's land area. Presently, cars modified to run on 95% ethanol and 5% water are touring Brazil to prove that the mixture is as effective as gasoline.

• Within five years, the cost of an average home in the US will be \$78,000, and well out of reach of most Americans. The current average price today is \$48,000, and families earning \$20,000 or more are the only ones in the market. Source: Harvard-MIT Joint Center for Urban Studies. Co-author Bernard Friedman states, "The cost squeeze on middle-income families is replacing the slum as the major problem in housing in this country.'

 The major Soviet threat to the West is not missiles or armies, but the Soviet-bloc debt to Western banks. By 1980, this will reach \$100 billion. The banks apparently are looking to Western governments to bail them out. Source: a study, still unpublished, by economist Richard Portes of London University.

 The US Navy and its allies have three times the tonnage of the Soviet Navy and its allies, according to newly released Pentagon studies. The US team has twice the number of ships of 1,000 tons or more. Source: Rep. Les Aspin (L - 415), a member of the House Armed Services Committee

 The country with the worst human r g its record in the world is-Iran. Source: Amnesty Internation 1, as reported by the British Guardian.

• Church groups are looking for Presiden good on his human rights stand by stopping a remain of terror by Nicaragua's dictator, General Somoza, i Wes and beneficiary of US military aid.

• The total military costs tucked away in Amerit Ford's 1978 budget, which President Carter has modifie somewhat, is \$170.3 billion. This is the conclusion of Jame a political science professor at California State University of has carefully checked "a number of diverse budget ite a where military costs are frequently squirreled away. Fo sample, Prof. Fay discovered that the cost of retirement any or civilian employees of the Defense Department and Vete and Administration, an estimated \$5.6 billion, was not listed in the i entagen budget. Source: The Nation.

Solar Information Numbers

The Solar Heating and Cooling Information Centers tells us that the correct toll-free number to and is 800-523-2929, or, in Pennsylvania, 800 462-49 ... The address is PO Box 1607, Rockville, M.I. 2085

• Sen. James Abourezk (D-S.D.) has in recuced a bill to stop the buying up of farms by huge constomeration corporations. It would prohibit corporations with \$3 million in nor farm assets from engaging in farming. It requires divestitur, within 5 years for operations now over the \$3 million limit. The idea is to maintain the family farm, the most product a unit known. Source: the Congressional Record.

 Educational Facilities Laboratories of New York proposes that unused school buildings be converted into an artments for the elderly. The Christian Science Mon er comments: "Literally thousands of school buildings have a ten abandoned in recent years. . . . One argument for converge a school buildings into apartments is that citizens who but and paid for schools when they were younger should be at a consistent those buildings when they're no longer needed for a laren."

ISSUE HIGHLIGHTS

CIA, the Hidden Trap

Intelligence agency controls powerful tools—page 1 A Congressional investigator is threatened—page 1 Covert activities, what is their value? page 2 Recommendations for reform listedpage 3

• For Your Information

How to save 30 billion cubic feet of natural gas-pageApproved For Release 2004/03/15 : CIA-RDP80M00165A002200060011-3

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